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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/383,688	08/26/1999	ALEXANDER L. CHENG	CHENG-104	6908
36041	7590	05/22/2006		
ALEXANDER L. CHENG 12 HIDDEN GLEN ROAD SCARSDALE, NY 10583			EXAMINER SMITH, SHEILA B	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/383,688	<b>Applicant(s)</b> CHENG, ALEXANDER L.	
	<b>Examiner</b> Sheila B. Smith	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 1-16-02.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heller (U. S. Patent Number 6,154,13) in view of Dunn (U.S. Patent Number 5,659,596).

***Regarding claims 1,7*** Heller discloses essentially all the claimed invention as set forth in the instant application, further Heller discloses method and system for locating subjects within a tracking environment. areas, modeling local with specific information, deploying mobile, sending out beacons, responding by mobile, gathering of whereabouts, calculating probable location, notifying mobile, in addition Heller discloses a placing probes at locations in local updating possible changes as disclosed in column 2 lines 30-67 and column 4 lines 5-26. However, Heller fails to specifically disclose (a) plurality of probes, and (b) device using the whereabouts off the mobile device and network of states and transitions with probabilities.

Regarding a plurality of probes, Heller discloses a plurality of transmitters which reads on probes as disclosed in column 2 lines 13-28.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Heller with a plurality of probes for the purpose of extending the range of the unit.

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In the same field of endeavor Dunn discloses a system for location of communication end users, additionally Dunn discloses (b) device using the whereabouts off the mobile device and network of states and transitions with probabilities as disclosed in column 30 lines 16-29.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Heller with a device using the whereabouts off the mobile device and network of states and transitions with probabilities for the purpose of locating the unit.

*Regarding claims 2, 3, 5*, Heller discloses everything claimed, as applied above (see claim 1 ) additionally, Heller discloses calculating battery life, calculate number of mobiles to local, communication with probe, sending messages as disclosed in column 6 lines 33-40. Regarding claims 4,6 Heller discloses everything claimed, as applied above (see claim 1) additionally, Heller discloses retrieving current location, mapping current location, alerting as disclosed in column 6 lines 55-60. However, Heller fails to specifically disclose device using the whereabouts off the mobile device and network of states and transitions with probabilities.

In the same field of endeavor Dunn discloses a system for location of communication end users, additionally Dunn discloses device using the whereabouts off the mobile device and network of states and transitions with probabilities as disclosed in column 30 lines 16-29.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Heller with a device using the whereabouts off the mobile device and network of states and transitions with probabilities for the purpose of locating the unit.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S.Smith  
May 13, 2006



JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER